



# Department of Justice

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District of Massachusetts

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## ILLEGAL ALIEN CONVICTED AND SENTENCED FOR MAKING FALSE STATEMENTS IN AN APPLICATION FOR U.S. PASSPORT AND UNLAWFUL RE-ENTRY

BOSTON, MA - An illegal alien residing in Lawrence was convicted and sentenced yesterday in U.S. District Court on an indictment charging him with making false statements on an application for a U.S. passport and unlawfully re-entering the United States after having been deported.

United States Attorney Michael J. Sullivan; James Ennis, Special Agent in Charge of the U.S. Department of State, Diplomatic Security Service; Christopher Tremann, Resident Agent in Charge of the Resident Office of Diplomatic Security Service in San Juan, Puerto Rico; Bruce M. Foucart, Special Agent in Charge of Immigration and Custom Enforcement, New England Field Office; and Jeff Paula, Special Agent in Charge of the U.S. Social Security Administration, Office of Inspector General, Office of Investigations - Boston Field Division, announced that **JUAN ANTONIO HERNANDEZ**, a/k/a Jose Miguel Cuevas Rivera, a/k/a Jose Cuevas Rivera, 42, of 76 East Haverhill Street, Lawrence, Massachusetts, pled guilty to a two-count Indictment charging him with making false statements in an application for a U.S. Passport and unlawful re-entry of a deported alien.

Immediately following his guilty plea, **HERNANDEZ** was sentenced by U.S. District Judge Douglas P. Woodlock to 30 months' imprisonment, to be followed by 3 years of supervised release. Upon completion of his prison sentence, **HERNANDEZ** faces deportation to his native Dominican Republic.

At the earlier plea hearing, the prosecutor told the Court that had the case proceeded to trial, the Government's evidence would have proven that **HERNANDEZ**, a native of the Dominican Republic, illegally entered the United States at an unknown location and on an unknown date. Between 1992 and 1999, **HERNANDEZ** had at least four felony drug convictions in Massachusetts and New York, which were designated by INS to be aggravated felonies.

On July 15, 1999, an Immigration Judge entered an Order of Deportation against **HERNANDEZ**, and on August 13, 1999, he was deported from the United States. Prior to boarding the flight, **HERNANDEZ**, a I-205 Form, containing a photograph of **HERNANDEZ**, along with this right index fingerprint, was placed in **HERNANDEZ**' Alien Registration File.

On May 22, 2006, an individual identifying himself as "Jose Miguel Cuevas Rivera" executed an application for a United States passport (known as a "DS-11") at the United States

Post Office in Lawrence, MA. For proof of identity and citizenship, this individual, later identified as **HERNANDEZ**, presented a Massachusetts Driver's License in the name of "Jose Miguel Cuevas Rivera" and a Puerto Rican Birth Certificate. On the DS-11 application, **HERNANDEZ** claimed that he was a U.S. citizen and that his birth date was November 3, 1968. The DS-11 application also bore the photograph of **HERNANDEZ**.

**HERNANDEZ** signed the DS-11 application under penalty of perjury and swore to the veracity of the information contained in the application. The Boston Passport Agency referred the case to the U.S. Department of State, Bureau of Diplomatic Security Service ("DSS") for investigation, based on several fraud indicators.

On September 29, 2006, some seven years after **HERNANDEZ** had been deported, **HERNANDEZ** was arrested by Lawrence Police on drug trafficking charges and furnishing false names to a police officer following an arrest. At that time, **HERNANDEZ** was booked, photographed and fingerprinted. A DSS Special Agent obtained the booking photos from this arrest and photos from **HERNANDEZ** Alien Registration File and compared them with the photograph from the DS-11 application. It was determined that all of the photos appeared to be of the same person. Fingerprints were also obtained from this arrest and the right index fingerprint from **HERNANDEZ**' INS Alien Registration File. Both sets of fingerprints came back as identical, belonging to **HERNANDEZ**.

Federal agents determined that **HERNANDEZ** had never received permission from either the U.S. Attorney General or Secretary of Department of Homeland Security to re-enter the United States after his deportation. Additionally, the Social Security Account number used by **HERNANDEZ** in his DS-11 passport application, to determine whether that number had ever been assigned by SSA to anyone, was never assigned to **HERNANDEZ**.

The case is being investigated by the U.S. Department of State's Bureau of Diplomatic Security Service, U.S. Immigration and Customs Enforcement and U.S. Social Security Administration's Office of Inspector General. It is being prosecuted by Assistant U.S. Attorney Antoinette E.M. Leoney in Sullivan's Major Crimes Unit.

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